



Reprinted  
March 4, 2014

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## ENGROSSED HOUSE BILL No. 1290

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DIGEST OF HB 1290 (Updated March 3, 2014 5:28 pm - DI 116)

**Citations Affected:** IC 16-18; IC 20-30; IC 20-34; IC 21-18; IC 25-1.

**Synopsis:** Health of student athletes. Adds athletic trainers to the definition of "health care provider" for purposes of laws concerning hospitals and public health measures. Requires the department of education to disseminate guidelines, information sheets, and forms to school corporations, charter schools, public schools, and accredited nonpublic schools to inform and educate coaches, student athletes, and parents and legal guardians of student athletes of the nature and risk of sudden cardiac arrest. Requires that a form acknowledging receipt of the information sheet must be returned to the student athlete's coach each year before beginning practice for an athletic activity. Requires that a student athlete who is suspected of experiencing a symptom of  
(Continued next page)

**Effective:** July 1, 2014.

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### Bacon, Dermody, McNamara, Pelath, Porter

(SENATE SPONSORS — KRUSE, BECKER, BREAUX, ARNOLD J,  
BRODEN, SKINNER)

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January 15, 2014, read first time and referred to Committee on Education.  
January 28, 2014, amended, reported — Do Pass.  
January 30, 2014, read second time, amended, ordered engrossed.  
January 31, 2014, engrossed.  
February 3, 2014, read third time, passed. Yeas 87, nays 9.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Education and Career Development.  
February 27, 2014, reported favorably — Do Pass.  
March 3, 2014, read second time, amended, ordered engrossed.

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EH 1290—LS 6732/DI 77



sudden cardiac arrest must be removed from the athletic activity at the time the symptom is identified. Provides that the student athlete may not return to practice and play until the student athlete's parent or legal guardian has been informed and the parent or legal guardian has provided permission for the student to return to practice and play. Requires the commission on higher education to disseminate guidelines, information sheets, and forms to a postsecondary educational institution's athletic department to inform and educate coaches and student athletes of the nature and risk of sudden cardiac arrest. Requires that a form acknowledging receipt of the information must be returned to the student athlete's coach each year before beginning practice for an athletic activity. Requires that a student athlete who is suspected of experiencing a symptom of sudden cardiac arrest must be removed from the athletic activity at the time the symptom is identified. Provides that the student athlete may not return to practice and play until the student athlete has received permission to return to practice and play from the team's or postsecondary educational institution's athletic trainer or physician. Requires an applicant for an athletic trainer license to submit to a national criminal history background check. Provides that the athletic trainers board may conduct a random audit and require an individual seeking a renewal of an athletic trainer license to submit to a national criminal history background check. Requires that each school corporation and accredited nonpublic school shall include in the school corporation's or accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. Provides that a school administrator may waive the requirement that a student receive instruction if the student has a disability or is physically unable to perform the psychomotor skill component of the instruction. Provides that the department of education may grant schools a waiver of the psychomotor skill requirement.



Reprinted  
March 4, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1290

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.232-2013,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2014]: Sec. 163. (a) "Health care provider", for purposes of  
4       IC 16-21 and IC 16-41, means any of the following:  
5       (1) An individual, a partnership, a corporation, a professional  
6       corporation, a facility, or an institution licensed or legally  
7       authorized by this state to provide health care or professional  
8       services as a licensed physician, a psychiatric hospital, a hospital,  
9       a health facility, an emergency ambulance service (IC 16-31-3),  
10      a dentist, a registered or licensed practical nurse, a midwife, an  
11      optometrist, a pharmacist, a podiatrist, a chiropractor, a physical  
12      therapist, a respiratory care practitioner, an occupational therapist,  
13      a psychologist, a paramedic, an emergency medical technician, an  
14      advanced emergency medical technician, **an athletic trainer**, or

EH 1290—LS 6732/DI 77



a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5 and IC 16-36-6, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;

(5) a certified nurse midwife;

(6) a paramedic;

(7) an emergency medical technician;



- (8) an advanced emergency medical technician; or  
 (9) an emergency medical responder, as defined by section 109.8 of this chapter.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of IC 16-40-4, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A blood bank, laboratory, community mental health center, community mental retardation center, community health center, or migrant health center.

(3) A home health agency (as defined in IC 16-27-1-2).

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).

SECTION 2. IC 20-30-5-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 20. (a) As used in this section, "psychomotor skills"**



1 means skills using hands on practice to support cognitive learning.

2 (b) Except as provided in subsection (e), each school corporation  
3 and accredited nonpublic school shall include in the school  
4 corporation's or accredited nonpublic school's high school health  
5 education curriculum instruction in cardiopulmonary resuscitation  
6 and use of an automated external defibrillator for its students. The  
7 instruction must incorporate the psychomotor skills necessary to  
8 perform cardiopulmonary resuscitation and use an automated  
9 external defibrillator and must include either of the following:

10 (1) An instructional program developed by the American  
11 Heart Association or the American Red Cross.

12 (2) An instructional program that is nationally recognized and  
13 is based on the most current national evidence based  
14 emergency cardiovascular care guidelines for  
15 cardiopulmonary resuscitation and the use of an automated  
16 external defibrillator.

17 (c) A school corporation or an accredited nonpublic school may  
18 offer the instruction required in subsection (b) or may arrange for  
19 the instruction to be provided by available community based  
20 providers. The instruction is not required to be provided by a  
21 teacher. If instruction is provided by a teacher, the teacher is not  
22 required to be a certified trainer of cardiopulmonary resuscitation.

23 (d) This section shall not be construed to require a student to  
24 become certified in cardiopulmonary resuscitation and the use of  
25 an automated external defibrillator. However, if a school  
26 corporation or accredited nonpublic school chooses to offer a  
27 course that results in certification being earned, the course must be  
28 taught by an instructor authorized to provide the instruction by the  
29 American Heart Association, the American Red Cross, or a similar  
30 nationally recognized association.

31 (e) A school administrator may waive the requirement that a  
32 student receive instruction under subsection (b) if the student has  
33 a disability or is physically unable to perform the psychomotor  
34 skill component of the instruction required under subsection (b).

35 (f) If a school is unable to comply with the psychomotor skill  
36 component of the instruction required under subsection (b), the  
37 governing body may submit a request to the state superintendent  
38 to waive the psychomotor skill component. The state  
39 superintendent shall take action on the waiver request within thirty  
40 (30) days of receiving the request for a waiver. A waiver request  
41 must:

42 (1) be in writing;



(2) include the reason or reasons that necessitated the waiver request;

(3) indicate the extent to which the school attempted to comply with the requirements under subsection (b); and

(4) be submitted each year for the school year the school requests the waiver.

SECTION 3. IC 20-34-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

**Chapter 8. Student Athletes: Sudden Cardiac Arrest**

**Sec. 1.** As used in this chapter, "association" means an organization that conducts, organizes, sanctions, or sponsors interscholastic athletic events as the organization's primary purpose.

**Sec. 2.** As used in this chapter, "athletic activity" includes the following:

(1) An athletic contest or competition conducted between or among schools.

(2) An intramural athletic contest or competition that is sponsored by or associated with a school.

(3) Competitive and noncompetitive cheerleading that is sponsored by or associated with a school.

**Sec. 3.** As used in this chapter, "school" refers to a public school and an accredited nonpublic school.

**Sec. 4.** This chapter does not require information to be provided to or consent to be received from the parent or legal guardian of a student athlete if the student athlete is:

(1) at least eighteen (18) years of age; or

(2) an emancipated minor.

**Sec. 5. (a)** Before July 1, 2015, the department shall disseminate guidelines, information sheets, and forms to each accredited nonpublic school, charter school, and each school corporation for distribution to schools to inform and educate coaches, student athletes, and parents and legal guardians of student athletes of the nature and risk of sudden cardiac arrest to student athletes.

**(b)** The department:

(1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and

(2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).



(c) The department may disseminate the guidelines, information sheets, and forms required under this section in an electronic format.

**Sec. 6.** Each year, before beginning practice for an athletic activity, a student athlete and the student athlete's parent or legal guardian:

(1) must be given the information sheet and form described in section 5 of this chapter; and

(2) shall sign and return the form acknowledging the receipt of the information sheet to the student athlete's coach.

The coach shall maintain a file of the completed forms.

**Sec. 7.** If a student athlete is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity:

(1) the student athlete shall be removed from practice or play at the time that the symptom is identified; and

(2) the parent or legal guardian of the student athlete shall be notified of the student athlete's symptoms.

**Sec. 8.** A student athlete who has been removed from practice or play under section 7 of this chapter may not return to practice or play until the coach has received verbal permission from a parent or legal guardian of the student athlete for the student athlete to return to practice and play. Within twenty-four (24) hours after giving verbal permission for the student athlete to return to practice and play, the parent or legal guardian must provide the coach with a written statement that the student athlete has permission to return to practice and play.

SECTION 4. IC 21-18-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

#### **Chapter 13. Student Athletes: Sudden Cardiac Arrest**

**Sec. 1.** This chapter applies to public and private postsecondary educational institutions in Indiana that offer athletic activities.

**Sec. 2.** As used in this chapter, "association" means an organization that conducts, organizes, sanctions, or sponsors interscholastic athletic events as the organization's primary purpose.

**Sec. 3.** As used in this chapter, "athletic activity" includes the following:

(1) An athletic contest or competition conducted between or among postsecondary educational institutions.

(2) An intramural athletic contest or competition that is





sponsored by or associated with a postsecondary educational institution.

(3) Competitive and noncompetitive cheerleading that is sponsored by or associated with a postsecondary educational institution.

Sec. 4. (a) Before July 1, 2015, the commission shall disseminate guidelines, information sheets, and forms to the athletic department of each postsecondary educational institution to inform and educate coaches and student athletes of the nature and risk of sudden cardiac arrest to student athletes.

(b) The commission:

(1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and

(2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The commission may disseminate the guidelines, information sheets, and forms required under this section in an electronic format.

Sec. 5. Each year, before beginning practice for an athletic activity, a student athlete:

(1) must be given the information sheet and form described in section 4 of this chapter; and

(2) shall sign and return the form acknowledging the receipt of the information sheet to the student athlete's coach.

The coach shall maintain a file of the completed forms.

Sec. 6. If a student athlete is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity:

(1) the student athlete shall be removed from practice or play at the time that the symptom is identified; and

(2) an athletic trainer or a physician associated with the team or postsecondary educational institution shall be notified of the student athlete's symptoms.

Sec. 7. A student athlete who has been removed from practice or play under section 6 of this chapter may not return to practice and play until the coach has received verbal permission from an athletic trainer or a physician that the student athlete may return to practice and play. Within twenty-four (24) hours after giving verbal permission for the student athlete to return to practice and play, the athletic trainer or physician must provide the coach with



1 **a written statement that the student athlete has permission to**  
 2 **return to practice and play.**

3 SECTION 5. IC 25-1-1.1-4, AS AMENDED BY P.L.232-2013,  
 4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2014]: Sec. 4. (a) This section applies to an individual who is  
 6 applying for, or will be applying for, an initial license or an initial  
 7 certificate under one (1) of the following:

8 (1) IC 25-2.5 (acupuncturists).

9 **(2) IC 25-5.1 (athletic trainers).**

10 ~~(2)~~ **(3)** IC 25-10 (chiropractors).

11 ~~(3)~~ **(4)** IC 25-13 (dental hygienists).

12 ~~(4)~~ **(5)** IC 25-14 (dentists).

13 ~~(5)~~ **(6)** IC 25-14.5 (dietitians).

14 ~~(6)~~ **(7)** IC 25-17.3 (genetic counselors).

15 ~~(7)~~ **(8)** IC 25-19 (health facility and residential care facility  
 16 administrators).

17 ~~(8)~~ **(9)** IC 25-21.8 (massage therapists).

18 ~~(9)~~ **(10)** IC 25-22.5 (physicians).

19 ~~(10)~~ **(11)** IC 25-23 (nurses).

20 ~~(11)~~ **(12)** IC 25-23.4 (certified direct entry midwives).

21 ~~(12)~~ **(13)** IC 25-23.5 (occupational therapists).

22 ~~(13)~~ **(14)** IC 25-23.6 (social workers, marriage and family  
 23 therapists, and counselors).

24 ~~(14)~~ **(15)** IC 25-24 (optometrists).

25 ~~(15)~~ **(16)** IC 25-26 (pharmacists).

26 ~~(16)~~ **(17)** IC 25-27 (physical therapists).

27 ~~(17)~~ **(18)** IC 25-27.5 (physician assistants).

28 ~~(18)~~ **(19)** IC 25-29 (podiatrists).

29 ~~(19)~~ **(20)** IC 25-33 (psychologists).

30 ~~(20)~~ **(21)** IC 25-34.5 (respiratory care practitioners).

31 ~~(21)~~ **(22)** IC 25-35.6 (speech pathologists and audiologists).

32 ~~(22)~~ **(23)** IC 25-38.1 (veterinarians).

33 (b) As used in this chapter, "national criminal history background  
 34 check" means the criminal history record system maintained by the  
 35 Federal Bureau of Investigation based on fingerprint identification or  
 36 any other method of positive identification.

37 (c) An individual applying for an initial license or initial certificate  
 38 specified in subsection (a) shall submit to a national criminal history  
 39 background check at the cost of the individual.

40 (d) The state police department shall release the results of a national  
 41 criminal history background check conducted under this section to the  
 42 Indiana professional licensing agency.



1           (e) A board, a commission, or a committee may conduct a random  
2       audit and require an individual seeking a renewal of a license or a  
3       certificate specified in subsection (a) to submit to a national criminal  
4       history background check at the cost of the individual.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1290, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 2. IC 20-30-5-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 20. (a) As used in this section, "psychomotor skills" means skills using hands on practice to support cognitive learning.**

**(b) Except as provided in subsection (e), each school corporation and accredited nonpublic school shall include in the school corporation's or accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:**

**(1) An instructional program developed by the American Heart Association or the American Red Cross.**

**(2) An instructional program that is nationally recognized and is based on the most current national evidence based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.**

**(c) A school corporation or an accredited nonpublic school may offer the instruction required in subsection (b) or may arrange for the instruction to be provided by available community based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.**

**(d) This section shall not be construed to require a student to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if a school corporation or accredited nonpublic school chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.**

**(e) A school administrator may waive the requirement that a student receive instruction under subsection (b) if the student has a disability or is physically unable to perform the psychomotor**



**skill component of the instruction required under subsection (b).**

**(f) Except as provided in subsection (e), a student shall receive the instruction required under subsection (b) at least once before graduation."**

Page 4, line 15, after "and" insert "**an accredited**".

Page 4, line 22, after "each" insert "**accredited**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1290 as introduced.)

BEHNING, Chair

Committee Vote: yeas 11, nays 1.

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1290 be amended to read as follows:

Page 6, line 2, delete "arrest, including fainting, difficulty" and insert "**arrest**".

Page 6, line 3, delete "breathing, chest pains, dizziness, or an abnormal racing heart,".

Page 7, line 19, delete "arrest, including fainting, difficulty" and insert "**arrest**".

Page 7, line 20, delete "breathing, chest pains, dizziness, or an abnormal racing heart,".

(Reference is to HB 1290 as printed January 28, 2014.)

BACON



# COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1290, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1290 as printed January 31, 2014.)

Committee Vote: Yeas 8, Nays 3

Senator Kruse, Chairperson

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# SENATE MOTION

Madam President: I move that Engrossed House Bill 1290 be amended to read as follows:

Page 4, delete lines 35 through 37, begin a new paragraph and insert:

**"(f) If a school is unable to comply with the psychomotor skill component of the instruction required under subsection (b), the governing body may submit a request to the state superintendent to waive the psychomotor skill component. The state superintendent shall take action on the waiver request within thirty (30) days of receiving the request for a waiver. A waiver request must:**

- (1) be in writing;**
- (2) include the reason or reasons that necessitated the waiver request;**
- (3) indicate the extent to which the school attempted to comply with the requirements under subsection (b); and**
- (4) be submitted each year for the school year the school requests the waiver."**

(Reference is to EHB 1290 as printed February 28, 2014.)

LEISING

